

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
1:19-cv-00099-RJC

TRACI BRINSON,

Plaintiff,

v.

NANCY A. BERRYHILL, Acting
Commissioner of Social Security,

Defendant.

ORDER

THIS MATTER comes before the Court on Defendant's Consent Motion to Remand. (Doc. No. 12.)

Under the fourth sentence of 42 U.S.C. § 405(g), "[t]he court shall have power to enter, upon the pleadings and transcript of the record, a judgment affirming, modifying, or reversing the decision of the Commissioner of Social Security, with or without remanding the cause for a rehearing." See also Shalala v. Schaefer, 509 U.S. 292, 296–97 (1993); Melkonyan v. Sullivan, 501 U.S. 89, 98 (1991).

Pursuant to the power of this Court to enter a judgment affirming, modifying, or reversing the Commissioner's decision with remand under the fourth sentence of 42 U.S.C. § 405(g), and in light of Defendant's request to remand this action for further administrative proceedings, the Court hereby reverses the Commissioner's decision and remands the cause to the Commissioner for further administrative proceedings, including a supplemental hearing.

On remand, the Administrative Law Judge ("ALJ") shall hold a supplemental

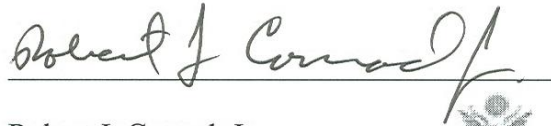
hearing; take any action needed to complete the administrative record; obtain further vocational expert testimony, if necessary; and issue a new decision. The ALJ is directed to evaluate and explain what weight is afforded to all opinions found in the record; evaluate anew Plaintiff's impairments in accordance with social security regulations; reevaluate whether Plaintiff's impairments meet a listing; further consider Plaintiff's residual functional capacity; further evaluate Plaintiff's subjective complaints; and address and resolve any apparent conflicts in the record.

Because this matter is hereby remanded to the Commissioner, Plaintiff's Motion for Summary Judgment, (Doc. No. 10), is moot.

IT IS THEREFORE ORDERED that:

1. Defendant's Consent Motion to Remand, (Doc. No. 12), is **GRANTED**.
The Commissioner's decision is **REVERSED**, and this matter is **REMANDED** for further proceedings consistent with this Order;
2. Plaintiff's Motion for Summary Judgment, (Doc. No. 10), is **DENIED as moot**; and
3. The Clerk of Court is directed to enter a separate judgment pursuant to Federal Rule of Civil Procedure 58 and to close this case.

Signed: July 6, 2020

A handwritten signature in cursive script, reading "Robert J. Conrad, Jr.", written over a horizontal line.

Robert J. Conrad, Jr.
United States District Judge

